

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

DATE OF MEETING: Thursday, August 20, 2020
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Zoom/ City of Muskegon Government Facebook Page

AGENDA

- I. Roll Call
- II. Approval of Minutes from the regular meeting of July 16, 2020.
- III. Public Hearings
 - A. Hearing, Case 2020-13: Request to rezone 55 Ottawa St, 61 Ottawa St and 65 Bank St from WM, Waterfront Marine to I-2, General Industrial.
 - B. Hearing, Case 2020-14: Staff-initiated request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to several other locations.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETING OF THE
CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon twenty-four hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by

writing or calling the following:

Ann Meisch, City Clerk
933 Terrace Street
Muskegon MI 49440

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

July 16, 2020

Chairperson T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, J. Montgomery-Keast, F. Peterson, L. Spataro, B. Larson, S. Gawron

MEMBERS ABSENT: B. Mazade, excused; J. Doyle, excused, E. Hood, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: None

APPROVAL OF MINUTES

A motion to approve the Minutes of the special Planning Commission meeting of June 18, 2020 was made by F. Peterson, supported by L. Spataro and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2020-12: Staff-initiated request to amend section 2324 of the zoning ordinance to allow mobile food vending as a temporary use. M. Franzak presented the staff report. Staff would like to amend Section 2324 of the zoning ordinance, which allows for temporary buildings, structures and uses, to address mobile food vendors. Mobile food vending is allowed by Sec. 50-301 thru 50-304 of the City Ordinance; however, it was initially developed to allow food vendors in the City rights-of-way. Since its inception, it has mainly been utilized by vendors on private property. They City Commission has asked the Planning Commission to develop an ordinance that dictates where they may locate, their placement on site and how long they may be permitted. The proposed additions to Section 2324 are as follows:

I. Mobile Food Vending: Mobile food vending options permitted by City Ordinance Sec. 50-301 thru 50-304 may be temporarily located in B-2, B-4, LR, WM, I-1, I-2 districts and all Form Based Code context areas except Urban Residential and Lakeside Residential; under the following conditions:

(1) Food trucks and trailers must be placed at least five feet away from any principal structure and at least three feet from any lot line. They may be placed on grass, pavement or in the parking lot, but may not impede proper vehicular flow on the site.

(2) Trash receptacles must be located on site.

(3) Permits for mobile food vending between 1 and 89 days will be reviewed administratively.

(4) Permits for mobile food vending between 90 days and one year will require the notification of all properties within 300 feet. If no concerns are received within 15 days, the permit application will be reviewed administratively. If there are concerns, a public hearing at the Planning Commission will be required. Administrative and Planning Commission reviews must use the

following review standards:

- i. Will the use contribute to the vitality and experience of the business district?*
- ii. Will the use support or detract from existing brick and mortar establishments?*
- iii. Is there an appropriate separation distance between temporary and permanent uses so as to not impair the long-term viability of nearby businesses?*
- iv. Will the use add variety to the types of food or beverage offerings in the district or compete with area businesses in close proximity?*
- v. Will the proposed mobile food vendor contribute to the general aesthetic of the business district and include high quality materials and finishes?*

Staff recommends approval the proposed amendment and would like to add MC-Medical Care districts to the allowed areas, per the request of the City Commission. That would need to be added to the motion, if approved.

T. Michalski asked how this would affect vendors at events. M. Franzak stated that vendors working at events were covered under the umbrella of the Special Event Permit rather than being governed by this ordinance. J. Montgomery-Keast observed that there was no reference to seating, and some vendors brought their own picnic tables. M. Franzak stated that seating was not specifically mentioned in the ordinance, but it was not prohibited.

There were no public comments. A motion to close the public hearing was made by J. Montgomery-Keast, supported by L. Spataro and unanimously approved.

A motion that the request to amend Section 2324 of the zoning ordinance to allow mobile food vending as a temporary use in the following districts: B-2, B-4, LR, WM, I-1, I-2, MC, and all Form Based Code context areas except Urban Residential and Lakeside Residential, be recommended the City Commission for approval, was made by F. Peterson, supported by J. Montgomery-Keast and unanimously approved, with T. Michalski, J. Montgomery-Keast, F. Peterson, L. Spataro, B. Larson, and S. Gawron voting aye.

NEW BUSINESS

Marihuana district expansion discussion. M. Franzak discussed a possible expansion of the marihuana districts, which staff had been considering. He explained the reasoning behind the original locations that were chosen, and pointed out that there had been substantial property improvements in those areas since the marihuana ordinance had been enacted. However, there was a lot of real estate speculation occurring in that area causing many people to be priced out of the market, and resulting in some properties being for sale at an inflated rate rather than being used for the purpose intended by the zoning. Staff was looking at other possible locations in the city which would allow the industry to expand while also improving other areas of town. M. Franzak described several locations being considered by staff and provided photos. Properties being considered were generally under-utilized and many were bordering on blight. Staff was looking for Planning Commission input before proceeding.

S. Gawron stated that he was familiar with the speculative issues in the current marihuana districts and questioned the likelihood of that happening as other properties were added. F. Peterson stated that the variety of locations spread throughout the city should make that less likely to happen, especially at the level seen in the current districts. S. Gawron asked if there had been any discussion with people and businesses in the new neighborhoods being considered. F. Peterson stated that staff had wanted to get Planning Commission input first. L. Spataro stated that he would like to see marihuana regulated like alcohol, with marihuana establishments allowed throughout the city as bars were, rather than singling out specific areas as marihuana zones. He stated that doing that would ease the problem of speculation on specific properties. He

observed that staff's proposal would help spread out the marihuana establishments throughout the city, and he had no objection to the addresses being proposed. F. Peterson discussed some of the positive effects that marihuana facilities were having in the community, and suggested that expansion of the districts was a good opportunity to get minority property owners involved in the industry. J. Montgomery-Keast asked if the buildings' owners were interested in converting to marihuana sales. F. Peterson stated that marihuana could be a catalyst tenant to spur development in some of these larger buildings, and some building owners had been urging the city to take action on social equity matters. L. Spataro stated that he was also in favor of getting more minority business owners involved. J. Montgomery-Keast stated that they needed to regulate the distance between marihuana establishments and schools or churches. Board members concurred that having marihuana business spread out was preferable to having them clustered in one location.

There being no further business, the meeting was adjourned at 4:45 p.m.

DR

STAFF REPORT

August 20, 2020

Hearing, Case 2020-13: Request to rezone 55 Ottawa St, 61 Ottawa St and 65 Bank St from WM, Waterfront Marine to I-2, General Industrial.

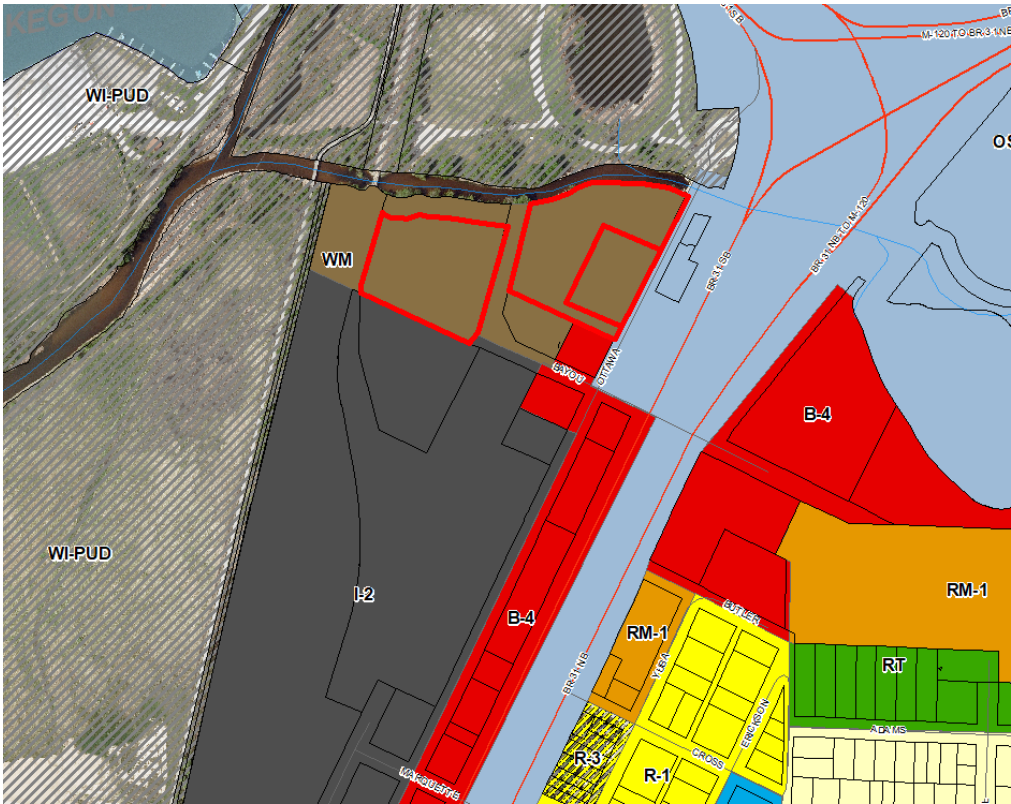
SUMMARY

1. The properties are currently zoned WM- Waterfront Marine.
2. The applicant is seeking a rezoning to industrial in order to run a crane operating training center. The site would eventually contain a building in the front and training center in the back.
3. The most appropriate zoning for this type of use would be I-2, as many of the principal uses allowed include the usage of cranes. Staff would consider this request a principal use permitted in I-2 districts.
4. The properties are adjacent to an I-2 zoning district and the area is characterized by industrial, port and heavy commercial uses.
5. Please see the enclosed zoning ordinance excerpt for I-2 districts.
6. Notices were sent to all properties within 300 feet of the property. Ron Mathews from Verplank Trucking is in favor of the request.

55 Ottawa St, 61 Ottawa St and 65 Bank St



Zoning Map



Aerial Map



STAFF RECOMMENDATION

Staff recommends approval the rezoning request.

DELIBERATION

Motion for consideration:

I move that the request to rezone 55 Ottawa St, 61 Ottawa St and 65 Bank St from WM, Waterfront Marine to I-2, General Industrial be recommended to the City Commission for (approval/denial).

Hearing, Case 2020-14: Staff-initiated request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to several other locations.

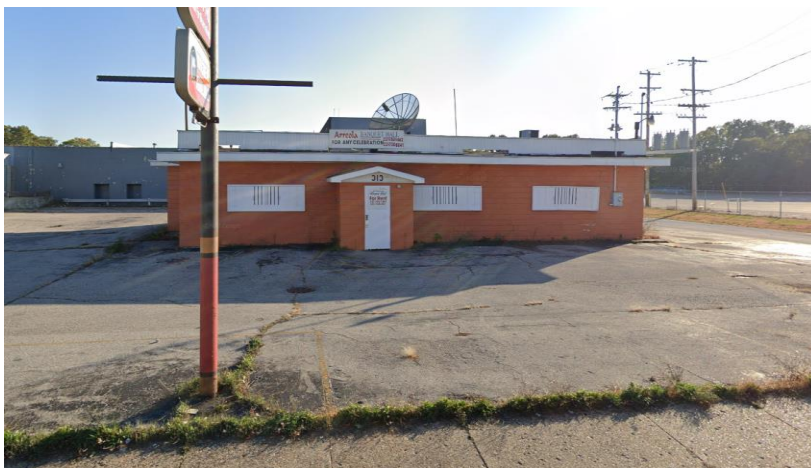
SUMMARY

1. The City currently allows MMFLA (medical) and the MRMTA (recreational) licenses in only one district.
2. Staff has received comments from citizens and City Commissioners about the need to expand these districts to provide access for citizens and to make the industry more equitable to property owners across the City.
3. Staff is proposing to amend the ordinance to allow five additional (smaller) districts.
4. Enclosed are copies of the current Marihuana Facilities Overlay District and the proposed amended Marihuana Facilities Overlay District. The amended ordinance proposes five additional overlay districts, with specific licensing restrictions to each, but requires the same site enhancements as the current ordinance.
5. The current Marihuana Facilities District has seen the transformation of several vacant/underutilized properties into remodeled, active buildings. Please see the before and after pictures below of several buildings within the district. Staff believes the newly proposed districts will also assist in the redevelopment of key properties.
6. Notice was sent to properties within 300 feet of the proposed districts. Email responses to the notices are enclosed.
7. Staff has removed 821 and 847 E Apple Ave from the request.

Before



After





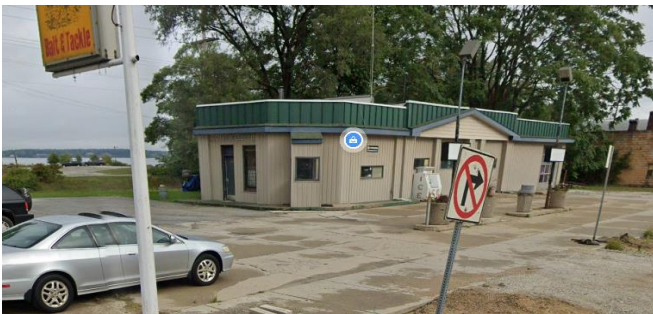
Under Construction





Properties Located in Proposed Districts

District 2



2080 Lakeshore Dr



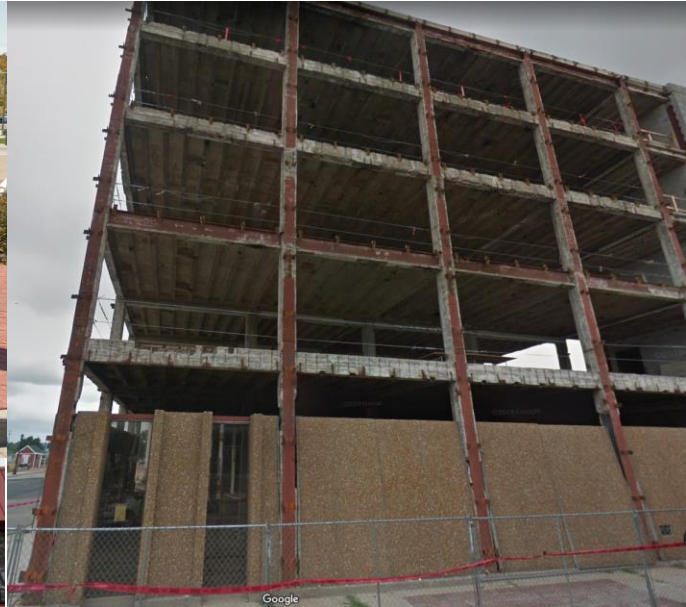
2054 Lakeshore Dr



2034 Lakeshore Dr

District 3

Parcel #24-233-000-0024-02



880 1st St

790 Terrace St

District 4



639 W Clay Ave

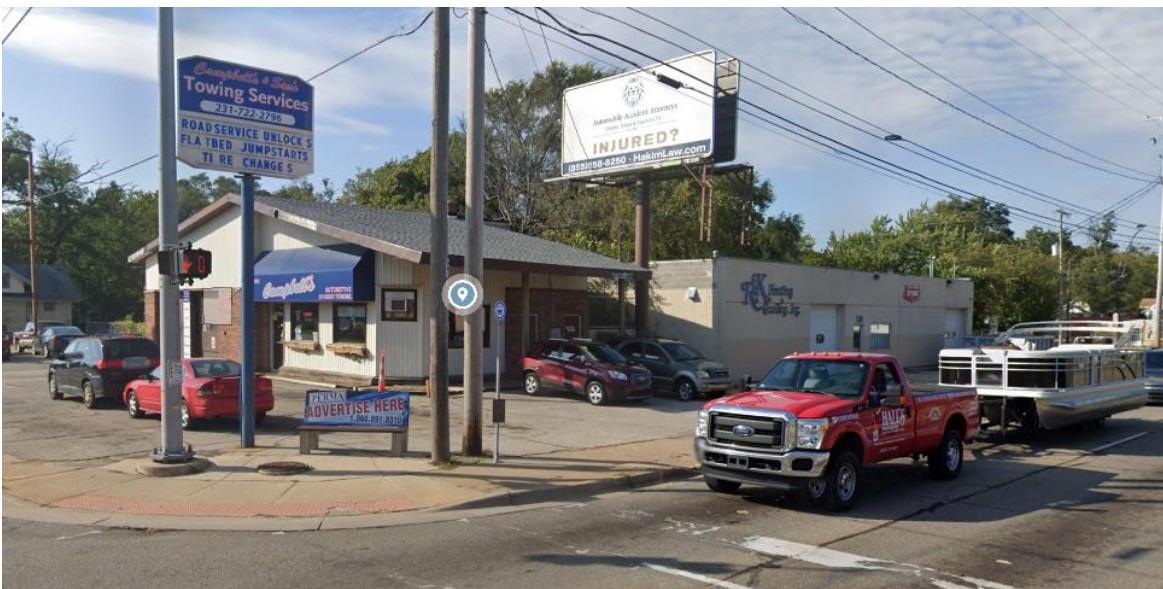


623 W Clay Ave



920 Washington Ave

District 5



796 E Apple Ave & 981 S Getty St



935 S Getty St



863 & 885 E Laketon Ave

District 6



Portions of 1230 & 1290 E Laketon Ave

DELIBERATION

Motion for consideration:

I move that the request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district as presented be recommend to the City for (approval/denial).

SECTION 2331: MARIHUANA FACILITIES OVERLAY DISTRICT

A Marihuana Facilities Overlay District is hereby created as outlined in Figures 23-2. Within said overlay district only, Medical Marihuana Facilities and Recreational Marihuana Facilities to the extent licensed pursuant to City Code Sections 34-201 through 34-208 and 34-301 through 34-307 are permitted.

A. Overlay District:

1. Location: Please see Figure 23-2 for the location of the overlay district. Within the entire overlay district, licenses for Provisioning Centers, Growers, Processors, Secure Transporters and Safety Compliance Facilities are permitted for Medical Marihuana Facilities. A smaller area within the overlay district allows for Recreational Marihuana licenses for Retailers, Microbusiness, Designated Consumption Establishments, Temporary Marihuana Events, Growers, Processors, Secure Transporters and Safety Compliance Facilities.

B. Grower, Excess Grower, and Processor Requirements:

1. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building.
2. Building and Site Amenities. All Grower and Processor facilities must meet the following amenity requirements:
 - a. Bay doors. Buildings must have bay doors in which a secure transport vehicle can enter for delivery.
 - b. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - c. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of linear road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - e. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may

allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.

- f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
- 3. Waste Disposal Plan. A plan must be approved for the disposal of waste, chemicals and unused plant material.
- 4. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

C. Provisioning Center, Retailer, Microbusiness and Designated Consumption Establishment Requirements:

1. Hours.

Provisioning Centers, Retailers and Microbusinesses and Designated Consumption Establishments may operate between the hours 8 am and 12 pm.

- 2. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building. Windows shall remain free and clear of all advertising.
- 3. Building and Site Amenities. All Provisioning Centers, Retailers, Microbusinesses and Designated Consumption Establishments must meet the following amenity requirements:
 - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - b. Security shutters. The interior of all windows shall require security shutters that give the appearance of shutters or window shades. Metal bars and gates are prohibited.
 - c. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - e. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.

- f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
- 4. Indoor Activities. All activities of a provisioning center shall be conducted within the structure and out of public view. Walk-up and drive thru windows are not permitted.
- 5. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

D. Safety Compliance Facility Requirements:

- 1. Indoor Activities. All activities of a marihuana safety compliance facility shall be conducted within the structure and out of public view.
- 2. Building and Site Amenities. All Safety Compliance Facilities must meet the following amenity requirements:
 - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - b. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - d. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
- 3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.
- 4. Chemical waste and plant disposal plan. A list of all chemicals used in testing and how they will be disposed of must be provided. The plan must also show how marihuana plants and products will be disposed.

E. Secure Transporter Requirements:

- 1. Storage. Marihuana and supplies, materials or money shall not be kept in any secure transport vehicle overnight. Outdoor storage, excluding transport vehicles is prohibited.

2. **Building and Site Amenities.** All Secure Transporter buildings must meet the following amenity requirements:
 - a. **Canopy.** Buildings must have a canopy or decorative awning over the main entrance to the building.
 - b. **Lighting.** Ornamental lighting is required on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - c. **Landscaping Plan.** Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - d. **Street furniture/amenities.** There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
3. **Security.** There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

F. Temporary Marihuana Event Requirements:

1. Temporary Marihuana Events may be held within the allowed area for Recreational Marihuana Facilities, including parking lots and the public right-of-way, with the issuance of all necessary local and state permits.

G. Landscaping Requirements:

1. All required front setbacks shall be landscaped with a minimum of two canopy or shade trees, four understory or evergreen trees and four shrubs, for each 30 lineal feet of road frontage. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.
2. All terraces (area between street and sidewalk) shall be landscaped with a minimum of one canopy tree for each 20 lineal feet of road frontage.
3. Properties that cannot meet these landscaping requirements because of site conditions may allow the Zoning Administrator to locate the required landscaping anywhere within the overlay district or within 500 feet of its boundaries. Required understory trees, evergreen trees and shrubs may be replaced with canopy trees within the terrace at a 1:1 ratio.

PROPOSED ORDINANCE:

SECTION 2331: MARIHUANA FACILITIES OVERLAY DISTRICTS

A Marihuana Facilities Overlay District is hereby created as outlined in Figures 23-2 through 23-7. Within said overlay districts only, certain Medical Marihuana Facilities and Recreational Marihuana Facilities to the extent licensed pursuant to City Code Sections 34-201 through 34-208 and (to be determined) are permitted.

A. Overlay District:

1. Location: There are six separate Marihuana Overlay Districts, please see Figures 23-2 through 23-7 for the location of the overlay districts.
 - i. District 1 (Figure 23-2): Within this overlay district, the following licenses are permitted: Provisioning Centers, Growers (Medical and Recreational), Processors (Medical and Recreational), Secure Transporters, Retailers, Microbusiness, Designated Consumption Establishments, Temporary Marihuana Events, and Safety Compliance Facilities.

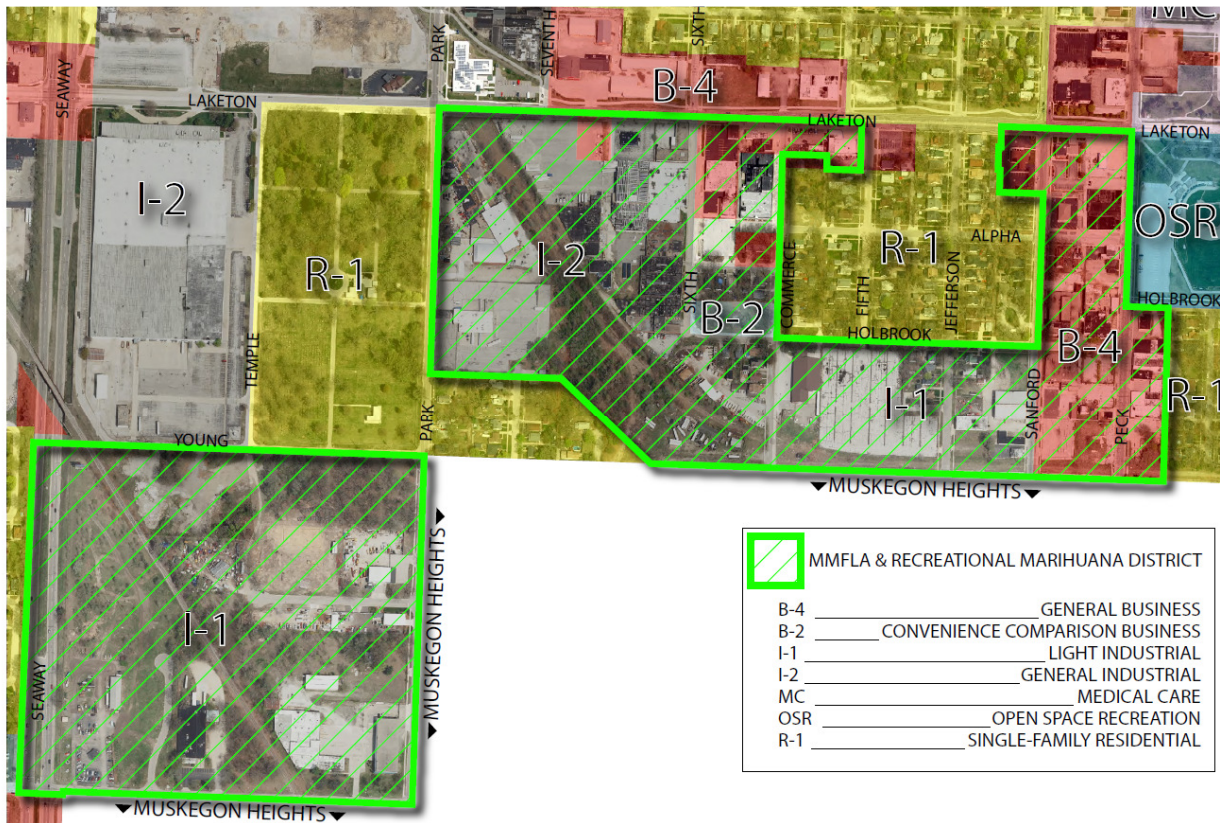


Figure 23-2

- ii. District 2 (Figure23-3): Within this overlay district, the following licenses are permitted as depicted, with the following conditions:
- Must be located in a multi-story building
 - May not occupy more than 50% of the first floor.



Figure 23-3

- iii. District 3 (Figure 23-4): Within this overlay district, the following licenses are permitted as depicted on the map below, with the following conditions:
- Provisioning Center and Retail licenses may not occupy more than 3,000 sf of the parcel.
 - Grow licenses are restricted to basements.



Figure 23-4

- iv. District 4 (Figure 23-5): Within this overlay district, the following licenses are permitted as depicted, with the following conditions:
- Provisioning Center and Retail licenses must be located on the top floor of a mixed-use building.
 - Microbusinesses may not occupy more than 70% of a building.

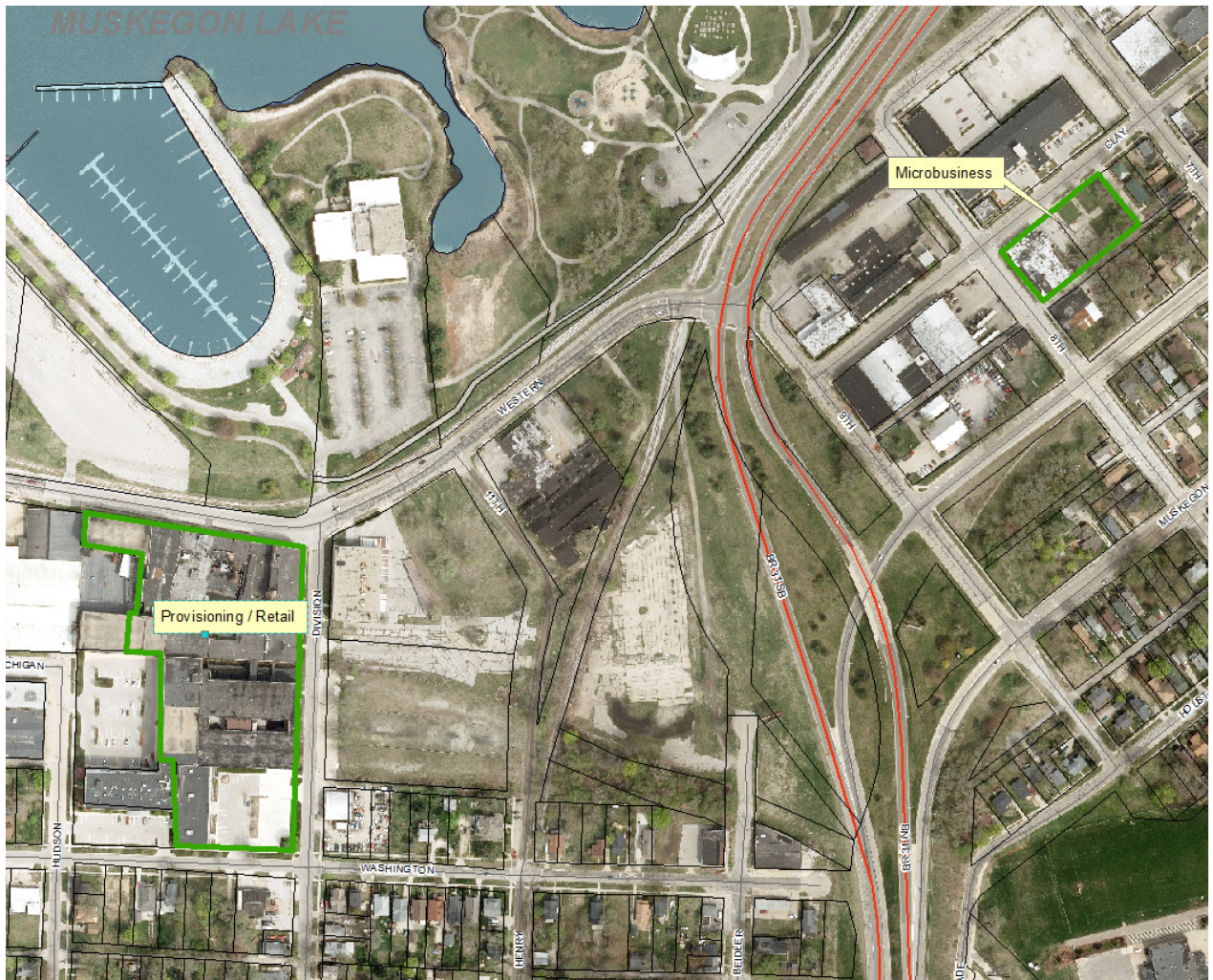


Figure 23-5

- v. District 5 (Figure 23-6): Within this overlay district, the following licenses are permitted as depicted:

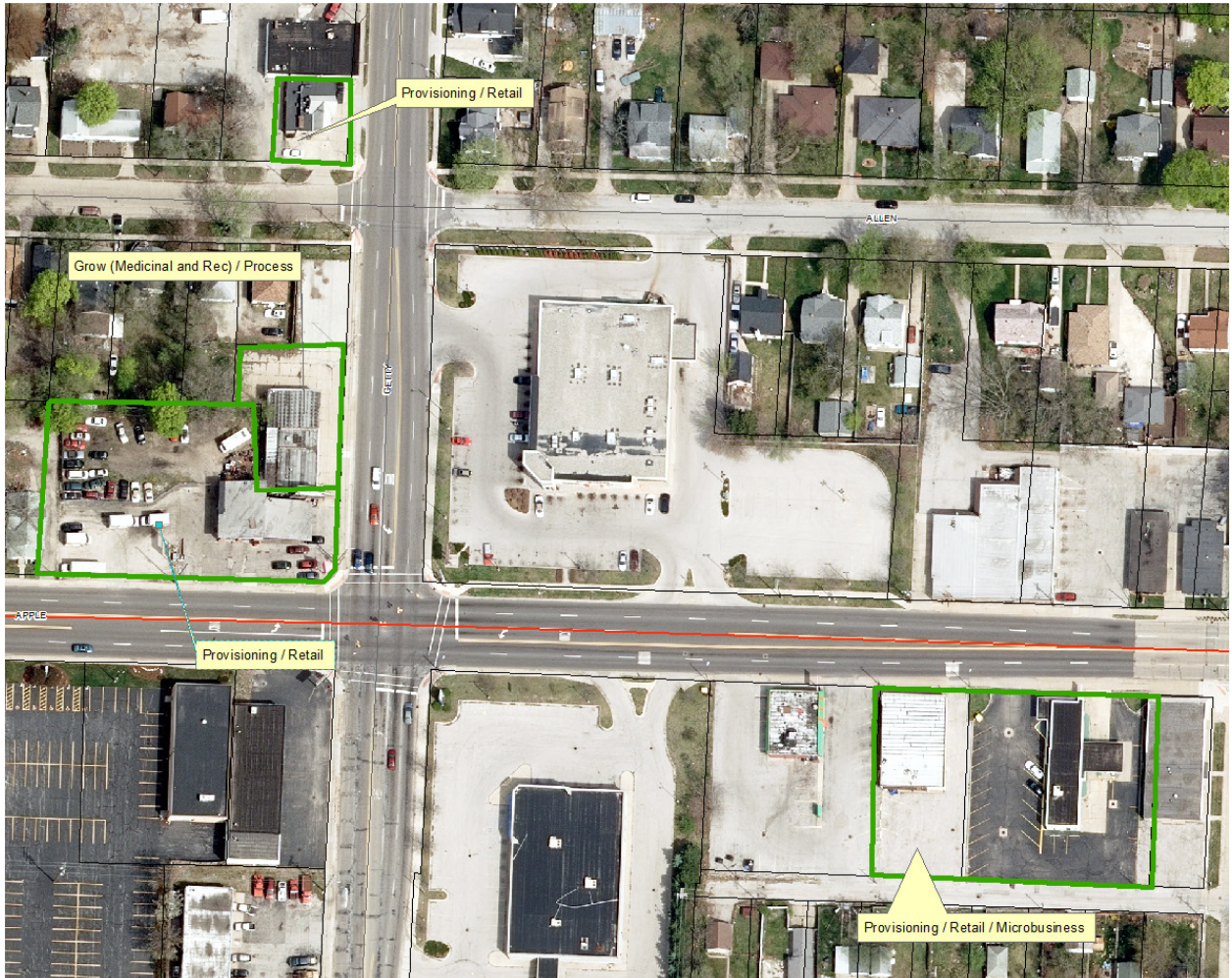


Figure 23-6

- vi. District 6 (Figure 23-7): Within this overlay district, the following licenses are permitted as depicted:



Figure 23-7

B. Grower, Excess Grower, and Processor Requirements:

1. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building.
2. Building and Site Amenities. All Grower and Processor facilities must meet the following amenity requirements:
 - a. Bay doors. Buildings must have bay doors in which a secure transport vehicle can enter for delivery.
 - b. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - c. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of linear road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - e. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
 - f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
3. Waste Disposal Plan. A plan must be approved for the disposal of waste, chemicals and unused plant material.
4. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

C. Provisioning Center, Retailer, Microbusiness and Designated Consumption Establishment Requirements:

1. Hours.

Provisioning Centers, Retailers and Microbusinesses and Designated Consumption Establishments may operate between the hours 8 am and 12 am.

2. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building. Windows shall remain free and clear of all advertising.

3. Building and Site Amenities. All Provisioning Centers, Retailers, Microbusinesses and Designated Consummation Establishments must meet the following amenity requirements:

- a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
- b. Security shutters. The interior of all windows shall require security shutters that give the appearance of shutters or window shades. Metal bars and gates are prohibited.
- c. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
- d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
- e. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
- f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.

4. Indoor Activities. All activities of a provisioning center shall be conducted within the structure and out of public view. Walk-up and drive thru windows are not permitted.

5. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

D. Safety Compliance Facility Requirements:

1. Indoor Activities. All activities of a marihuana safety compliance facility shall be conducted within the structure and out of public view.

2. Building and Site Amenities. All Safety Compliance Facilities must meet the following amenity requirements:

- a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
- b. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.

- c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - d. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
- 3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.
- 4. Chemical waste and plant disposal plan. A list of all chemicals used in testing and how they will be disposed of must be provided. The plan must also show how marihuana plants and products will be disposed.

E. Secure Transporter Requirements:

- 1. Storage. Marihuana and supplies, materials or money shall not be kept in any secure transport vehicle overnight. Outdoor storage, excluding transport vehicles is prohibited.
- 2. Building and Site Amenities. All Secure Transporter buildings must meet the following amenity requirements:
 - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - b. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - d. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.

3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

F. Temporary Marihuana Event Requirements:

1. Temporary Marihuana Events may be held within the allowed area for Recreational Marihuana Facilities, including parking lots and the public right-of-way, with the issuance of all necessary local and state permits.

G. Landscaping Requirements:

1. All required front setbacks shall be landscaped with a minimum of two canopy or shade trees, four understory or evergreen trees and four shrubs, for each 30 lineal feet of road frontage. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.
2. All terraces (area between street and sidewalk) shall be landscaped with a minimum of one canopy tree for each 20 lineal feet of road frontage.
3. Properties that cannot meet these landscaping requirements because of site conditions may allow the Zoning Administrator to locate the required landscaping anywhere within the overlay district or within 500 feet of its boundaries. Required understory trees, evergreen trees and shrubs may be replaced with canopy trees within the terrace at a 1:1 ratio.



Wed 8/12/2020 7:32 AM

Steve Olsen <solsen@nmtdie.com>

DISTRICT FOR MARIHUANA

To Mike Franzak

Cc Frank Peterson; sols@nmtdie.com

Mike:

I would as the following be removed from the district:

2034 lakeshore

2054 lakeshore

2080 lakeshore

parcel#24-233-000-0024-02

We certainly do not want any facilities near the Country Club and of course SAPPI. Also, lot 24B owned by the DMDC is really disappointing putting this in front of the zoning board.

A disappointed

Steve Olsen

Board Chair--- MLCC

Board Chair----DMDC

President-----Muskegon Country Club

Member-----Pure Muskegon

President-----Northern Machine Tool Company

August 5, 2020

Subject: Request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to several other locations.

Dear Property Owner/Tenant:

A petition has been submitted to the Planning Commission to request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to include the following properties: 880 1st St, 790 Terrace St, 623 W Clay Ave, 639 W Clay Ave, 2034 Lakeshore Dr, 2054 Lakeshore Dr, 2080 Lakeshore Dr, 796 Apple Ave, 821 Apple Ave, 847 Apple Ave, 863 Apple Ave, 885 Apple Ave, 981 S Getty St, 935 S Getty St, 920 Washington Ave, 1230 Laketon Ave, 1290 Laketon Ave and parcel #24-233-000-0024-02 (corner of W Western Ave and 1st St).

The Planning Commission will hold a public hearing on this issue at their special meeting on Thursday, August 20, 2020 at 4:00 pm. The meeting will be held electronically on the City of Muskegon Government Facebook Page because of signed Executive Order 2020-48 titled "Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards."

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Steve Olsen

Northern Machine Tool Company

761 Alberta Ave.

Muskegon, Michigan 49441

231-755-1603



Tue 8/11/2020 1:21 PM

Sig Rudholm <s@division1.us>

1249 E Laketon

To Mike Franzak; Ann Meisch

Cc mike.lsrv@gmail.com

To whom it concerns:

This is a formal request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to 1249 E. Laketon.

Since the August 5, 2020 mailer was sent to property owners within 300 feet of subject property, I request that 1249 E Laketon be included in the public hearing Thursday, August 20, 2020 at 4:00 pm.

Feel free to contact me if I can be of assistance.

Warmest regards,

Sig Rudholm
C:231.206.1999

We would like to have this letter to property owners within 300 feet of the listed addresses discussed for public record regarding the proposed rezoning of the marijuana facility in the lakeside business district. We've spoken to numerous home owners and property owners in lakeside and are very against having this right on lakeshore drive in the walking / business district and residential neighborhood. We've been told that the building designs have been approved, property buy agreements have been made and has been bypassed by the city commission and pushed to zoning to fast track this process by the city manager.

